Application No.: 10/697,962   Docket No.: 300200275-2 US (1509-469)

AMENDMENTS TO THE DRAWINGS:

The attached sheet of drawing includes changes to the single figure.

9

Application No.: 10/697,962   Docket No.: 300200275-2 US (1509-469)

REMARKS

Applicant has submitted a replacement sheet including legends and the server mentioned on page 5, third full sentence, as required by the Office Action. Applicant has not amended the drawing to include a controller because the controller is included in the software agents A1, A2 and A3 as indicated at page 5, second full sentence, and as indicated by claim 2. For clarity, the specification has been amended to indicate the software agent is configured as a controller to set up a peer-to-peer connection. The specification has also been amended to provide a cross-reference to the foreign application relied on for priority and for clarity, without adding new matter.

Method claims 8, 17, 18, and 19 have been amended so that the method is performed in connection with data communications from an access point to a plurality of mobile communication devices. In other words, the step of providing data communications from the access point to the plurality of mobile communication devices can be performed by someone other than the entity that performs the setting up steps of claims 8, 17-19 and the registering step of claim 19. Consequently, infringement of the method claims can occur by a single entity that does not provide the data communications system. Claim 7 has also been amended for clarity.

The Office Action, in the paragraph bridging pages 3 and 4 thereof, erroneously states the reference applied against claims 1-19, i.e., Hagen, US Patent Publication 2002/0075844, is commonly assigned with the present application. Applicant's assignee has no record of the Hagen publication being commonly owned with the present application. In addition, a telephone conference with the Examiner confirmed that the Examiner was in error in making such a statement in the Office Action.

Applicant traverses the rejection of claims 1-19 as being anticipated by Hagen. Apparatus claims 1, 15 and 16 require a controller to be such as to set up a peer-to-peer connection between a first mobile communication device that is arranged for receiving a data communication or is already receiving a data communication and a second mobile

10

communication device. Method claims 8 and 17-19 include a similar limitation by requiring a peer-to-peer connection to be set up from a mobile communication device to an additional mobile communication device. The Office Action, in connection with the rejection of independent claims 1, 15, 16 and method claims 8, 17 and 18 relies on paragraphs 0010-0012, 0042-0045, 0097 and 0102-0104 for the features of the foregoing independent claims. In addition, independent claim 19 is stated to be anticipated as a result of paragraphs 0069 and 0014 of Hagen. In fact, consideration of all of these portions of Hagen indicates there is no disclosure of the claimed peer-to-peer connection.

Paragraphs 0010-0012 of Hagen indicate the reference is concerned with enabling terminals to access public networks, such as the Internet, at broadband data rates via wireless network connections and at geographically disbursed network access points using existing public network connections private or proprietary networks. It is there stated that the Hagen device integrates diverse private and public networks to provide ubiquitous, network access at broad band data rates using existing infrastructure. In the Hagen system, plural network access points at geographically disbursed locations are provided. Some or all of the network access points may be wireless. A network access server (NAS) functions as an intermediary or interface between one or more such wireless access points and existing public network connection resources. The NAS provides and · manages public network access for authorized terminals, including mobile, wireless terminals, using existing public network connections of an associated private network, which also is stated to prevent unauthorized access to the private network by the wireless terminals. The network access server also may provide network access and management features including registration of subscribers, metering of network activity for accounting and billing purposes, and monitoring and control of bandwidth usage by authorized subscribers. Hence, there is nothing in paragraphs 0010-0012 concerning the peer-to-peer connections defined by applicant's claims.

Paragraphs 0042-0045 indicate system 100 of Hagen has one or more geographically disbursed network access points which are radio frequency wireless access points 3 and 4. System 100 also includes one or more access network servers 7 that is an intermediary network component that primarily functions to provide mobile

11

terminals 1 with access to a public network, such as the Internet 16, using public network connections of otherwise private networks, such as local area network 10. The network access server 7 also controls and manages access to the private networks by the mobile terminals. This does not, however, mean that there is a peer-to-peer relationship between the mobile terminals. Server 7 also performs registration, authentication and other functions necessary to provide visiting mobile terminals with access to public network 16, while simultaneously controlling access by such visitors to local private network 10. Server 7 also provides such services as bandwith allocation management, quality of service management, network usage accounting and settlement provisions of voice/telephony services via telephony equipment 12. Paragraph 0044 states more than one network access server 7 can be included to interface with multiple wireless access points to one or more private networks 10 and the Internet 16. However, there is nothing in this portion of Hagen reciting a peer-to-peer relationship between mobile terminals 1, or for that fact, any mobile terminals.

.Paragraph 0097 is concerned with gatekeeper 24, Fig. 3, of network access server 7. It is there indicated that gatekeeper 24 manages network quality of service functionality and includes a bandwidth allocation manager for this purpose. The bandwidth allocation manager 28 is stated to implement resource provider policies for bandwidth usage and allocation by subscribers and private network clients, including the throttling of bandwidth available to each public access subscriber and private network client. The bandwidth allocation manager also handles queuing between public access subscribers, and authenticated mobile terminals so they have equal priority for network resources. However, there is again nothing in paragraph 0097 disclosing the peer-to-peer connection required by the independent claims. Paragraphs 0102-0104 are concerned with details of bandwidth allocation manager 28 and quality of service functionality of network access server 7 that controls communications between private local area network 10 and access points 3 and 4. Again, there is no disclosure in these portions of Hagen of the peer-to-peer relationship set forth in the independent claims.

Paragraphs 0069 and 0114, relied on in connection with the rejection of independent claim 19, also have no bearing on the claimed peer-to-peer requirements.

Paragraph 0069 is concerned with DHCP/DHCP relay agent 31 that either dynamically provides a host Internet protocol configuration within network access server 7 or acts as a transfer agent to an external DHCP server; the acronym DHCP stands for dynamic host configuration protocol, a protocol that assigns dynamic Internet protocol (IP) addresses to devices on a network so a device has a different address each time it connects to and/or while it is connected to a network. It is not seen how this discussion of DHCP/DHCP relay agent 31 has anything to do with the peer-to-peer requirements of applicant's independent claim 19. Paragraph 0114 indicates a mobile terminal initiates a real time conferencing session. The real time conferencing agent obtains the address of a suitable real time conferencing/telegraphy server parameter. The address can be obtained by the mobile terminal (1) obtaining the address from the dynamic host configuration protocol or (2) obtaining the address from a service location protocol. Alternatively, the mobile terminal may manually configure the address of the telephony server internally. As a further alternative, the mobile terminal may query a domain name system or service or server (DNS) for the addresses of appropriate real time conferencing telephony servers. Hence, paragraph 0114 has nothing to do with the peer-to-peer requirements of applicant's claims.

Dependent claims 2-7, 9-14 are allowable with the claims upon which they depend. In addition, the allegation in the Office Action that Hagen discloses the features of dependent claim 7 is erroneous. The Office Action alleges paragraphs 0069 and 0114 of Hagen disclose a controller for registering a second mobile communication device with an SIP (session initiation protocol) server associated with the access point by providing the second mobile communication device with an SIP address so that the second mobile communication device can subsequently set up the peer-to-peer connection with the first mobile communication device using SIP messages. This claim is improperly rejected, inter alia, because there is no disclosure in Hagen of a peer-to-peer connection between first and second mobile communication devices and, in particular, there is no controller in Hagen for performing the registration and other functions set forth in claim 7. In this regard, see the previous discussion of paragraphs 0069 and 0114.

To provide applicant with the protection to which he is deemed entitled, claim 20

13

Application No.: 10/697,962   Docket No.: 300200275-2 US (1509-469)

has been added. Claim 20 depends on claim 7 and indicates the controller of claim 7 includes a software agent at the access point, a feature clearly shown in Fig. 1 and described in the first sentence of paragraph 0019 of the specification as filed.
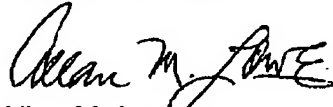
Allowance is in order.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 08-2025 and please credit any excess fees to such deposit account.

Respectfully submitted,
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14